

OCT 24 2001  
RECEIVED  
DECLARATION, POWER OF ATTORNEY AND PETITION

Matter No. 36465

As a below named inventor, I, **Claude Q.C. Hayes**, hereby declare:

That my residence, post office address and citizenship are stated as below next to my name, that I declare that I am the inventor of the invention entitled: **HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD**, U.S. Serial No. 09/827,889, filed April 6, 2001;

That this application is a division of and discloses and claims the subject matter disclosed in my earlier filed pending application Serial No. 09/558,948 filed on April 26, 2000, which in turn was a continuation-in-part of U.S. Patent Application Serial No. 08/709,516, filed on September 6, 1996, which in turn claims the benefit of Provisional Application No. 60/003,387, filed September 7, 1995; Applicant hereby claims priority based upon each of the foregoing applications.

That I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention described and claimed therein; and say that I have reviewed and understand the contents of the specification thereof, including the claims and drawings as amended by any amendment specifically referred to herein, that I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof or patented or described in any printed publication in any country before my invention thereof, or more than one year prior to the aforementioned application, or in public use or on sale in the United States of America more than one year prior to this application, that said invention has not been patented or made the subject of an inventor's certificate issued before the date of the aforementioned application in any country foreign to the United States of America on an application filed by me or any legal representatives or assigns more than twelve months prior to the aforementioned application, that I acknowledge my duty to disclose information on which I am aware which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a), and that no application for patent or inventor's certificate on this invention has been filed by me or my legal representatives or assigns in any country foreign to the United States of America except as follows: NONE

And that I hereby appoint MURRAY SCHAFFER, Registration No. 18,671, and PANAGIOTA BETTY TUFARIELLO, Registration No. 40,851, my attorneys with full power of substitution, association and revocation, to sign the drawings, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office in connection therewith. Please address all correspondence to:

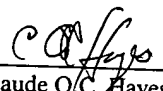
JASPAN SCHLESINGER HOFFMAN LLP  
300 Garden City Plaza  
Garden City, New York 11530  
(516) 746-8000

Whereby I pray, that Letters Patent be granted to me for the invention described and claimed in the foregoing specification and claim, and I hereby subscribe my name to the foregoing specification and claim, declaration, power of attorney and this petition.

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATE: 7/8/01

SIGNED:

  
Claude Q.C. Hayes  
3737 Third Avenue, No. 308  
San Diego, CA 92103  
USA

P.O. Address/  
and Resident:  
Citizenship:

bp (smallent)

Matter 36465



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Claude Q.C. Hayes  
Serial No.: 09/827,889  
Filed: April 6, 2001  
For: HEAT ABSORBING TEMPERATURE CONTROL DEVICES  
AND METHOD

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
UNDER 37 C.F.R. 1.9(f) AND 1.27(b) -- INDEPENDENT INVENTOR


As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention described in the above-entitled application (Patent).

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey, or license any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon, or any patent to which this verified statement is directed.

Date:

7/8/01  
  
CLAUDE Q.C. HAYES